

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Atty. Docket: HUSSAIN=1A

In re Application of:	)	Confirmation No.:
	)	
Mehboob HUSSAIN	)	Art Unit:
	)	
Appln. No.: NOT YET ASSIGNED	)	Examiner:
	)	
Filed: ON EVEN DATE HEREWITH	)	Washington, D.C.
	)	
For: ADULT BONE MARROW DERIVED	)	October 2, 2003
STEM CELLS	)	
	)	

INFORMATION DISCLOSURE STATEMENT [IDS]

Honorable Commissioner for Patents  
U.S. Patent and Trademark Office  
2011 South Clark Place  
Customer Window, Mail Stop Patent Application  
Crystal Plaza Two, Lobby, Room 1B03  
Arlington, Virginia 22202

Sir :

This Information Disclosure Statement is submitted in accordance with 37 CFR §§1.97, 1.98, and it is requested that the information set forth in this statement and in the listed documents be considered during the pendency of the above-identified application, and any other application relying on the filing date of the above-identified application or cross-referencing it as a related application.

1. This IDS should be considered, in accordance with 37 CFR §1.97, as it is filed:

*(Check one of the boxes A-D)*

[X] A. within three months of the filing date of the above-identified national application or within three months of the entry into the national stage of the above-identified international application.

In re'Appln. No.

☐ B. before the mailing date of a first Office action on the merits or before the mailing of a first Office action after the filing of a Request for Continued Examination under 37 C.F.R. §1.114.

☐ C. after (A) and (B) above, but before final rejection or allowance, and Applicants have made the necessary certification (box "i" below) or paid the necessary fee (box "ii" below).

*(Check one of the boxes "i" and "ii" below:)*

☐ i. Counsel certifies that, upon information and belief, each item of information listed herein was either

☐ (a) first cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this IDS; or

☐ (b) not cited in a communication from a foreign patent office in a counterpart foreign application and, to the knowledge of undersigned after making reasonable inquiry, was not known to any individual designated in §1.56(c) more than three months prior to the filing of this IDS.

***(use one and delete other of following)***

☐ ii. A check (check no. \_\_\_\_\_) for the fee set forth in §1.17(p), presently believed to be \$180, is enclosed. If the enclosed payment is incorrect, please charge any additional fees or credit any overpayment to Deposit Account No. 02-4035.

In re'Appln. No.

☐ ii. Credit Card Payment Form, PTO-2038, is attached authorizing payment of the fee set forth in §1.17(p), presently believed to be \$180. If the enclosed payment is incorrect, please charge any additional fees or credit any overpayment to Deposit Account No. 02-4035.

☐ D. after (A), (B) and (C) above, but before payment of the issue fee: Applicant(s) state as follows under 37 CFR §1.97(e) for consideration of this IDS, that, upon information and belief, each item of information listed herein was either

*(Check one of the boxes "a" and "b" below)*

☐ (a) first cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this IDS; or

☐ (b) was not cited in a communication from a foreign patent office in a counterpart foreign application and, to the knowledge of the undersigned after making reasonable inquiry, was not known to any individual designated in §1.56(c) more than three months prior to the filing of this IDS.

***(use one and delete other of following and this note)*** A check (check no. \_\_\_\_\_) for/ Credit Card Payment Form, PTO-2038, is attached authorizing payment of the fee set forth in §1.17(i), presently believed to be \$130 is enclosed. If the enclosed payment is incorrect, please charge any additional fees or credit any overpayment to Deposit Account No. 02-4035.

In re'Appln. No.

2. In accordance with 37 CFR §1.98, this IDS includes a list (e.g., Form PTO/SB/08A) of all patents, publications, or other information submitted for consideration by the office, either incorporated into this IDS or as an attachment hereto. A copy of each document listed is attached, except as explained below.

*(check boxes A, B and/or C and fill in blanks, if appropriate)*

☐ A. Document(s) \_\_\_\_\_ is (are) deemed substantially cumulative to document(s) \_\_\_\_\_, and, in accordance with §1.98(c), only a copy of each of the latter documents is enclosed.

☐ B. Certain documents were previously cited by or submitted to the Office in the following prior application(s), which are relied upon under 35 U.S.C. 120:

*(insert serial numbers and filing dates of prior applications)*

Applicant(s) identifies these documents by attaching hereto copies of the forms PTO-892 and PTO-1449 (or PTO/SB/08A) from the files of the prior application(s) or a fresh PTO-1449 (or PTO/SB/08A) listing these documents, and request that they be considered and made of record in accordance with §1.98(d). Per 37 CFR §1.98(d), copies of these documents need not be filed in this application.

☐ C. Document(s) \_\_\_\_\_ is (are) U.S. patent(s) and/or published application(s). As this is a U.S. application filed after June 30, 2003, or an entry into national stage under 35 USC §371 after June 30, 2003, the requirement to file copies of such U.S. patents or published applications has been waived. (Office of Patent Legal Administration - Pre O.G. Notice of July 11, 2003).

In re' Appln. No.

3. Document(s) \_\_\_\_\_ is (are) not in the English language. In accordance with §1.98(c), Applicant(s) states:

[ ] An English translation of each document \_\_\_\_\_ (or of the pertinent portions thereof), or a copy of each corresponding English-language patent or application, or English-language abstract (or claim) is enclosed.

[ ] A concise explanation of the relevance of document(s) \_\_\_\_\_ is found in the attached \_\_\_\_\_ search report (see reply to Comment 68 in the preamble to the final rules; 1135 OG 13 at 20).

[ ] A concise explanation of the relevance of document(s) \_\_\_\_\_ is set forth as follows:

*(insert concise explanation of relevance)*

[ ] A concise explanation of the relevance of document(s) \_\_\_\_\_ can be found on page(s) \_\_\_\_\_ of the specification.

[ ] A concise explanation of document(s) \_\_\_\_\_ can be found on the attached sheet.

4. No explanation of relevance is necessary for documents in the English language (see reply to Comments 67 and 68 in the preamble to the final rules; 1135 OG 13 at 20).

5. Other information being provided for the examiner's consideration follows:

*(insert other information)*

6. In accordance with 37 CFR §§1.97(g) and (h), the filing of this IDS should not be construed as a representation that a search has been made or that information cited is, or is considered to be, material to patentability as defined in §1.56


In re'Appln. No.

(b), or that any cited document listed or attached is (or constitutes) prior art. Unless otherwise indicated, the date of publication indicated for an item is taken from the face of the item and Applicant(s) reserves the right to prove that the date of publication is in fact different.

Respectfully submitted,

BROWDY AND NEIMARK  
Attorneys for Applicant(s)

By:

  
Allen C. Yun  
Reg. No. 37,071

ACY:pp  
624 Ninth Street, N.W., Suite 300  
Washington, D.C. 20001-5303  
Telephone: (202)628-5197  
Facsimile: (202)737-3528  
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(use as many sheets as necessary)

Sheet	1	of	1
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**Complete if Known**

<b>Application Number</b>	NOT YET ASSIGNED
<b>Filing Date</b>	ON EVEN DATE HEREWITH
<b>First Named Inventor</b>	Mehboob HUSSAIN
<b>Group Art Unit</b>	
<b>Examiner Name</b>	
<b>Attorney Docket Number</b>	HUSSAIN=1A

[illegible]

Examiner  
Signature

Date  
Considered

\* EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup> Unique citation designation number. <sup>2</sup> Applicant is to place a check mark here if English language Translation is attached.